

**FILED**

**JUN 05 2014**

**N.J. BOARD OF NURSING**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

MELISSA D. McWILLIAMS, R.N.  
License # 26NR16782100

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about November 1, 2013, a letter of inquiry was sent to respondent's address of record with the Board, asking respondent to supply information concerning an arrest on October 25, 2013 on charges of shoplifting and her nursing employment.

3. Ms. McWilliams's attorney notified the Board that the charges had been dismissed.

4. On or about December 5, 2013, a Division of Consumer Affairs employee telephoned respondent's attorney to advise him that additional information was required to fully respond to the Board's inquiry, including a copy of the municipal court complaint,

a narrative statement from Ms. McWilliams setting forth her explanation of the conduct that led to the arrest, and information about her current nursing employer. No further response was received.

### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a civil penalty was entered on February 28, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing the information which had not been provided when her attorney responded to the original letter of inquiry. Respondent maintains, to the best of her knowledge, she sent this information to the Board after speaking with a woman from the Division of Consumer Affairs, but did not retain a copy of what she had mailed or have any proof of mailing. Respondent maintains she gathered the information once again and sent it to the Board

via priority mail in response to the Provisional Order.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's subsequent reply months later, warrants imposition of a five hundred dollar (\$500) civil penalty.

ACCORDINGLY, IT IS on this 5<sup>th</sup> day of June, 2014,  
ORDERED that:

1. A civil penalty in the amount of five hundred dollars (\$500) is hereby imposed for the violation of N.J.A.C. 13:45C-1.2 and 1.3. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy, PhD, APN  
Patricia Ann Murphy, PhD, APN  
Board President